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Sent: Wed 8/3/2011 7:25:03 PM
Subject: BDCP 404 NEPA MOU - DWR Comments - New Version Attached
[BDCP NEPA 404 MOU 080311 TMH Redline.docx](#)

To the federal team -

The attached revised draft is a redline version (compared to the July 14th version) that incorporates DWR's comments. Their comments were limited, but they do have a couple of comments that raise fundamental questions about the scope of this MOU.

Please look at the comment section, where I try to flag the issues. They really boil down to two unrelated.

(1) The easy one is on page 2, where they recommend taking out the sentence that talks about potential use of the BDCP by Reclamation. Reclamation needs to figure out what to do with that comment.

(2) The harder one is reflected in my margin comments on pages 4, 5 and 6. The issue seems to be whether the Corps approach to this (that is, that we are doing an MOU for the New Conveyance Project site specific permit plus whatever in the programmatic documents is relevant to the site specific permit decision) is correct. There seems to be a thought at DWR that we are covering all of the BDCP projects in this MOU, which I don't think is the case.

Please look at the comments here, if nothing else.

We need to nail this down quickly, and get this MOU into the signature chain.

Here's the redline:

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